

Settlement Negotiations

Thursday, July 12, 2018 8:57 AM



Email Message With Maine's Proposed Waters covered by...

Knapp, Michael

From: Carson, David A (ENRD) <David.A.Carson@usdoj.gov>
Sent: Tuesday, July 03, 2018 4:44 PM
To: Neugeboren, Steven; Schroer, Lee; Maher, Lauren; Siegal, Tod; Williamson, Timothy; Williams, Ann; Knapp, Michael
Subject: FW: Maine v. EPA - Proposed Settlement Waters

Follow Up Flag: Follow up
Flag Status: Completed

See below. Note Rule 408.

From: Boak, Scott <Scott.Boak@maine.gov>
Sent: Tuesday, July 3, 2018 1:29 PM
To: Carson, David A (ENRD) <DCarson@ENRD.USDOJ.GOV>
Cc: Reid, Jerry <Jerry.Reid@maine.gov>
Subject: Maine v. EPA - Proposed Settlement Waters

Dave:

To follow up on our conversation today, and to share with EPA for settlement discussion purposes (subject to Rule 408):

The waters (and their Maine classifications) that Maine is proposing to include in any settlement with EPA are outlined below, with reference to a commonly used and detailed set of Maine maps (the Delorme Maine Atlas and Gazetteer).

If authorized by legislative changes that Maine DEP would propose and support as part of the proposed settlement, DEP would then further propose rulemaking that would establish the use of a site-specific fish consumption rate of 142.4 grams (EPA's default FCR for subsistence fishers from its 2000 Human Health Methodology) for the following waters, all of which either run through or directly border reservations of the Southern Tribes (the Penobscot Nation and the Passamaquoddy Tribe):

Penobscot Nation – Portions of the Main Stem of the Penobscot River - Maps 33, 43, 44 Delorme

The Main Stem of the Penobscot River from the confluence of the East and West Branches of the Penobscot River south to Indian Island (B, C) (but subject to a currently proposed classification upgrade that would make this stretch all B).

Passamaquoddy Tribe - Indian Township (Peter Dana Point Reservation) - Map 36 Delorme

Surface Waters Bordering north, east and west, and running through reservation:

Flipper Creek (A)
Huntley Brook (A)
George Brook (A)
Berry Brook (A)

Tomah Stream (AA)
Kennebec Brook (A)

Chain of Lakes bordering on the South:

Big Lake (GPA)
Long Lake (GPA)
Lewy Lake (GPA)
Grand Falls Flowage – (GPA as per 38 MRS 476.13.A.2.)

Passamaquoddy Tribe - Perry and Pleasant Point Reservation - Map 37 Delorme

Little River (B) (East of reservation)
Passamaquoddy Bay (SB) (Northeast of reservation)
Halfmoon Cove (SB) (south of reservation)

Scott Boak
Assistant Attorney General
Scott.Boak@maine.gov
(207) 626-8566

- **First Settlement Meeting w/ Maine: 7/12/18**

- Agenda:



- DENVER-#6
18244-v1-...
- Present: